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1952.

File No. Animal Diseases II/52(R)

Legal Deptt.

B **BRANCH**

Subject:— Rules under the Bombay Animal Diseases (control) Act 1948

V E

File No. Animal Diseases II/52 (R)

Feb. 194 o.

665-B

Legal Department.

The Agriculture and Forest Department in this case has issued notifications under section 4(1) and 4(2) of the Bombay Animal Contageous Diseases (Control) Act, 1948. The first notification provides for appointment of all veterinary officers and veterinary inspectors in the Animal Husbandry and Veterinary Science Department to be Veterinary Surgeons for the purposes of the said Act, and for the areas within their respective jurisdictions. The notification under section 4(2) provides for the appointment of all stockmen in the said Department to be inspectors for the purposes of the said Act and for the areas within their respective jurisdictions. The Department has also finally published the Bombay Animal Contageous Diseases (Control) Rules, 1951, Section 2(2) of the said Act, however, provides that that section shall come into force at once and power is taken to the State Government to bring all or any of the remaining provisions of the Act into force in such area in respect of such Scheduled diseases and on such date as may be specified in the notification. Power is also taken to the State Government to direct by means of a similar notification that such provision shall cease to be in force in any area from such date as may be specified in the area. But in view of the provisions of section 22 of the Bombay General Clauses Act, the notifications under section 4(1) and 4(2) and the rules issued under section 36 of the Animal Contageous Diseases (Control) Act would not be vitiated or rendered invalid.

notwithstanding. It is true that the Department has not issued any notification bringing the Act into force in any

2. All that the Department is required to do is that, as pointed out in R.L.A's No.11254, dated the 16th July 1951, a notification under sub-section (2) of section 2 of the Act specifying the particulars mentioned therein should be issued as and when the State Government

considers the issue of such notification necessary. A notification as proposed at 'B' on page 11 ante would also be absurd. The notification must clearly specify all the particulars mentioned in section 2(2), namely, the provisions of the Act, the area and the scheduled diseases. While issuing such a notification care should be taken to specify section 4 and section 36 in such notification in addition to the other provisions which are intended to be brought into force in any area. On the issue of such a notification the provisions of the rules will automatically apply in such area and the officers empowered under section 4 will also be competent to exercise the powers under the Act which have been brought into force in such area. Whenever the provisions of the Act are withdrawn from any area the provisions of the rule will automatically become inoperative in such area. So also the officers empowered under section 4 will be incompetent to exercise the powers conferred on them in such area.

Id/-
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Additional & Deputy Secretary to Government.

U.R. to A. & F.D. No. 15979/B, dated the 27th September 1952.

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